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DA 01-2820  
December 6, 2001

**British Telecommunications plc, BT Group plc, and AT&T Corp.  
Seek Authority to Transfer Control of Concert Global Networks USA L.L.C.  
and of Violet Licensee Co. L.L.C.,  
Authority to Transfer Control of Section 214 Authority  
Held by Concert Global Networks USA L.L.C., and  
Assignment of Authority Under Cable Landing Licenses**

**IB Docket No. 01-330**

On November 7, 2001, AT&T Corp. ("AT&T"), British Telecommunications plc and BT Group plc (jointly "BT"), BT North America ("BTNA"), Concert Global Networks USA L.L.C. ("CGN USA"), Concert Global Networks USA L.L.C. as Temporary Trustee ("CGN USA as Temporary Trustee"), and Violet License Co. L.L.C. ("Violet"), collectively "the applicants," filed applications under the Cable Landing License Act<sup>1</sup> and sections 214 and 310(d) of the Communications Act of 1934, as amended,<sup>2</sup> requesting Commission approval of: (a) the transfer of control of CGN USA, as a holder of section 214 authority and cable landing licenses, from the joint control of AT&T and BT to AT&T;<sup>3</sup> (b) the assignment of authority under the cable landing licenses from CGN USA to CGN USA as Temporary Trustee for the benefit of CGN USA and BTNA and the subsequent assignment of such submarine cable interests to CGN USA and BTNA;<sup>4</sup> (c) the transfer of domestic interstate transmission lines and the necessary domestic section 214 authority to acquire and operate those lines that will result from the transfer of CGN

<sup>1</sup> An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39.

<sup>2</sup> 47 U.S.C. §§ 214 and 310(d).

<sup>3</sup> See Application under Section 214 and the Cable Landing License Act for Transfer of Control of Concert Global Networks USA L.L.C. and for Assignment of Authority under Cable Landing Licenses, File Nos. ITC-T/C-20011107-00602 and SCL-ASG-20011107-00023 (filed Nov. 7, 2001).

<sup>4</sup> See *id.*

USA from the joint control of AT&T and BT to AT&T;<sup>5</sup> and (d) the transfer of control of Violet, which holds 24 earth station licenses, from the joint control of AT&T and BT to AT&T.<sup>6</sup>

The applicants seek these authorizations and assignments in connection with the proposed unwinding of the global joint venture between AT&T and BT to provide international voice, data, and video communications services to customers around the world. See Public Notice, DA 98-2412, IB Docket No. 98-212 (Nov. 27, 1998).

Interested parties may file comments or petitions to deny regarding these applications no later than **January 3, 2002**. Reply comments or oppositions to these comments and petitions may be filed no later than **January 17, 2002**. For administrative convenience, the various applications have been consolidated into one general docket. Accordingly, new file numbers will not be assigned to the assignment and transfer of control of each of the individual facilities referenced below. All filings regarding any aspect of the proposed transaction should reference the general docket number assigned to this proceeding, IB Docket No. 01-330.

### **EX PARTE STATUS OF THIS PROCEEDING**

For purposes of *ex parte* communications, the Commission's regulations categorize section 214(a) requests that are formally opposed as non-restricted, and section 310(d) and cable landing license requests that are formally opposed as restricted.<sup>7</sup> Under the Commission's regular practice, the entire proceeding here, if formally opposed, would be treated as restricted. Because this proceeding involves broad issues of public policy, however, it will be treated as non-restricted, i.e., "permit-but-disclose," for purposes of *ex parte* communications.<sup>8</sup>

Accordingly, *ex parte* presentations<sup>9</sup> in this proceeding will be governed by the procedures set forth in Section 1.1206 of the Communication's rules,<sup>10</sup> that are applicable to non-restricted proceedings. *Ex parte* presentations in non-restricted proceedings generally are permitted subject to disclosure.<sup>11</sup>

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<sup>5</sup> See Application for Authority Pursuant to Section 214 to Transfer Corporate Control of Concert Global Networks USA L.L.C. from British Telecommunications PLC and AT&T Corp. Jointly to AT&T Corp. Exclusively with Respect to Domestic Service, CC Docket No. 01-326 (filed Nov. 7, 2001).

<sup>6</sup> See Violet License Co., L.L.C. FCC Form 312, Application for Transfer of Control (24 Licenses), SES-T/C-20011107-02091 (filed Nov. 7, 2001).

<sup>7</sup> 47 C.F.R. § 1.1200 *et seq.*

<sup>8</sup> 47 C.F.R. § 1.1200(a).

<sup>9</sup> An *ex parte* presentation is any communications (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. 47 C.F.R. § 1.1202.

<sup>10</sup> See 47 C.F.R. § 1.1206.

<sup>11</sup> 47 C.F.R. § 1.1206(a).

## **TRANSFER OF CONTROL OF CGN USA**

See n. 5 of Application under Section 214 and the Cable Landing License Act for Transfer of Control of Concert Global Networks USA L.L.C. and for Assignment of Authority under Cable Landing Licenses, File No. ITC-T/C-20011107-00602.

## **ASSIGNMENT OF AUTHORITY IN CABLE LANDING LICENSES FROM BT AND AT&T JOINTLY TO AT&T EXCLUSIVELY**

See Attachment A to File No. SCL-ASG-20011107-00023.

## **ASSIGNMENT OF AUTHORITY IN CABLE LANDING LICENSES FROM BT AND AT&T JOINTLY TO CGN USA AND BTNA VIA CGN USA AS TEMPORARY TRUSTEE**

See Attachment B to File No. SCL-ASG-20011107-00023.

## **TRANSFER OF DOMESTIC INTERSTATE TRANSMISSION LINES AND NECESSARY DOMESTIC SECTION 214 AUTHORITY TO ACQUIRE AND OPERATE THOSE LINES**

See Application for Authority Pursuant to Section 214 to Transfer Corporate Control of Concert Global Networks USA L.L.C. from British Telecommunications PLC and AT&T Corp. Jointly to AT&T Corp. Exclusively with Respect to Domestic Service, CC Docket No. 01-326.

## **TRANSFER OF CONTROL OF VIOLET LICENSE CO. L.L.C. FROM BT AND AT&T JOINTLY TO AT&T EXCLUSIVELY**

See Attachment A to Violet License Co., L.L.C. FCC Form 312, Application for Transfer of Control, File No. SES-T/C-2001107-02091.

This application originally was placed on public notice, Report No. SES-00-342 (Nov. 21, 2001). To consolidate the pleading cycle for this application with the related applications, we are retracting the public notice, and any pleadings with respect to SES-T/C-2001107-02091 will be subject to the provisions of this Public Notice. (See also Report No. SES-00-346, dated Dec. 5, 2001.)

## **ADDITIONAL INFORMATION**

The requests for transfer of control and assignment of authorities have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any applications not in conformance with the Commission's rules or policies.

An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12<sup>th</sup> Street, SW, TW-A325, Washington, DC 20554, in accordance with section 1.51(c) of the Commission's rules.<sup>12</sup> In addition, one copy of each pleading must be delivered to each of the following locations: (1) the Commission's duplicating contractor, Qualex International, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20554; (2) FCC Reference Information Center, 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC 20554.

Copies of the applications and any subsequently filed documents in this matter may be obtained from Qualex International, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20554, telephone 202-863-2893. The applications and other documents also are available for public inspection and copying during regular business hours at the FCC Reference Information Center, 445 12<sup>th</sup> Street, SW, Room CY-A257, Washington, DC 20554.

Instead of filing paper comments, parties may file comments using the Commission's Electronic Comment Filing System (ECFS). See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the docket number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

For further information concerning CC Docket No. 01-326, contact Tracey Wilson of the Common Carrier Bureau, Policy and Program Planning Division at 202-418-1394.

For further information concerning SES-T/C-20011107-02091, contact Jeanette Spriggs of the International Bureau, Satellite Radio Division at 202-418-0727.

For further information concerning ITC-T/C-20011107-00602 or SCL-ASG-20011107-00023, contact Kathleen Collins of the International Bureau, Telecommunications Division at 202-418-1460.

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<sup>12</sup> 47 C.F.R. § 1.51(c).